

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was not made to Mr. Mathew Heinecke 8 July 2004 to request an oral election to the above restriction requirement due to the phone number not working (503-466-9614).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is

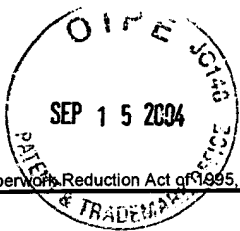
Application/Control Number: 10/605,608
Art Unit: 3711

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(703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 8 July 2004


STEPHEN BLAU
PRIMARY EXAMINER



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MATHEW HEINECKE

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